

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****DOCKETING STATEMENT****Case Number:** 25-1072**Short Case Caption:** DS Advanced Enterprises, Ltd. v. Lowe's Home Centers, LLC**Filing Party/Entity:** DS Advanced Enterprises, Ltd.

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
Southern Dist. of California	3:23-cv-01335	Patent

Relief sought on appeal: ☐ None/Not Applicable

Reversal of District Court's non-infringement judgement; reversal and additional briefing for certain claim construction; and reassignment upon remand.

Relief awarded below (if damages, specify): ☐ None/Not Applicable

The District Court, in a written decision, granted summary judgement of non-infringement of US Patent 11,054,118.

Briefly describe the judgment/order appealed from:

The District Court granted summary judgement of non-infringement of US Patent 11,054,118.

Nature of judgment (select one):

Date of judgment: 09/30/2024☐ Final Judgment, 28 USC § 1295☐ Rule 54(b)☒ Interlocutory Order (specify type) Summary Judgement☐ Other (explain) _____

Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☒ None/Not Applicable

Issues to be raised on appeal: ☐ None/Not Applicable

DS Advanced Enterprises, Ltd. is appealing the granting of summary judgement of non-infringement of its US Patent 11,054,118, and appealing certain claim construction.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below
☒ During the pendency of the case below
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom?

Hon. Judge Burkhardt of the Southern District of California, during an ENE required per local rule.

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

Mediation would not resolve the issues on appeal.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

Date: 10/19/2024 Signature: /s/Patrick Dean Cummins

Name: Patrick Dean Cummins